IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.366/2003
WITH WRIT PETITION NO. 415/2003 WITH
WRIT PETITION NO.529/2003

Writ Petition No.366/2003

Miss Sharvaree P. Naik, of major age, Indian National, resident of Shantinagar, Ponda, Goa. .... Petitioner.

V/s.

(1) The Goa University, through its Registrar, having office at Bambolim, sub-post office Goa University, Goa 403 206.

(2) State of Goa, through Director of Higher Education Having office at Directorate of Education, Panaji, Goa.

(3) Miss Poonam J. Deshprabhu;

(4) Miss Pranali M. Bodke;

(5) Master Einencio J. Coutinho;

All presently students of Microbiology, to be served through Registrar, Goa University)

6. Braganza Ramsey,

7. Sardessai Jayashree,

8. Shirodkar Swetha,

9. Correia Shirley M.,

10. Parab Kavita C.,

11. Rodrigues Brenda F.,

12. Mascarenhas Verity P.

13. Andrade Cassius A.,

14. Jose Teresa,

15. Samuel Anitha,

16. Chodankar Sarita S.,

17. Beig Umme Amara,

18. Dessai Mayura Madhav,

19. Dessai Vilas Shivaji,

All through the Registrar,
Goa University, Taleigaon Plateau,
Bambolim, Goa. ..... Respondents.

Mr. M.S. Sonak, Advocate for the petitioner.

Ms. A.A. Agni, Advocate for respondents No.1.

Mr. A.N.S. Nadkarni, Advocate General with Ms. Winnie Coutinho, Govt. Advocate for respondent No.2.

Mr. S.S. Kantak, Advocate for respondent No.3.

Mr. V.K. Bodke, Advocate for respondent No.4.

Mr. S.G. Dessai, Sr. Advocate with Mr. V.R. Tamba, Advocate for respondent No.9.

Writ Petition No.415/2003

Miss Brenda Rodrigues,
Resident of Julieta Apartments,
Flat No.B-3, Near Cine Aaisha,
Ponda, Goa. ..... Petitioner.

V/s

(1) The Goa University, through its Registrar, having office at Bambolim, Ilhas, Goa 403 206,

(2) Miss Shaarvaree P. Naik,
Major of age, resident of
Shantinagar, Ponda, Goa.

(3) Vilas Shivaji Desai,
Resident of Sapna P. Residency,
Ponda, Goa.

(4) Mayura Madhav Desai,
(address not known)

(5) Shirodkar Swetha Suresh,
House No.MA 1/6, Gausawaddo,
Mapusa, Goa 403 507.

(6) Conera Shirley M.,
R/o. House No.741, Satapario,
Moira, Bardez, Goa 403 507,

(7) Parab Kavita C.,
Tambalwada - Warkhand,
Pernem, Goa 403 512. ..... Respondents.

A N D

Miss Punam N. Sawant,
R/o. A/2, Dikarpali Post,
Navelim, Salcete, Goa. ..... Intervenor.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. A.D. Bhobe, Advocate deform the petitioner.

Mr. A.N.S. Nadkarni, Advocate General on Notice.

Mrs. A.A. Agni, Advocate for respondent No.1.

Mr. M.S. Sonak, Advocate for respondent No.2.

Mr. S.G.Dessai, Sr. Advocate with Mr. V.R. Tamba, Advocate for respondent No.6.

Writ Petition No.529/2003

Miss Shirley M. Correia,
R/o. House No.741,
Sataporio, Moira,
Bardez, Goa. ..... Petitioner.

V/s.

1. The Goa University, through its Registrar, having its office at
Bambolim, Ilhas, Goa 403 206.

2. Miss Branda Rodrigues,
r/o. Julieta Apartments,
Flat No.B-3, near Cine Aaisha,
Ponda, Goa.

3. Miss Shaarvares P. Naik,
major of age,

R/o. Shantinagar, Ponda, Goa.

4. Shri Vilas Shivaji Dessai,
r/o. Sapna P. Residency,
Ponda, Goa.

5. Miss Mayura Madhav Dessai,
C/o. Madhav Dessai,
Kamat Classic,
Tonca, Miramar, Goa.

6. Shri Rohan S. Fernandes,

7. Shri Einencio J. Coutinho,

8. Ms. Pranali M. Bodke,

9. Ms. Poonam J. Deshpande,

10. Shri Ramsey Braganza,

11. Ms. Jayashree Sardesai,

12. Ms. Swetha Shirodkar,

All students of Goa University,
to be served through Registrar,
Goa University. ..... Respondents.

Mr. S.G. Dessai, Sr. Advocate with Mr. V.R. Tamba,
Advocate for the petitioner.

Mr. A.N.S. Nadkarni, Advocate General on Notice.

Mrs. A.A. Agni, Advocate for respondent No.1.

Mr. A.D. Bhobe, Advocate for respondent No. 2.

Mr. V.K. Bodke, Advocate for respondent No.8.

Mr. S.S. Kantak, Advocate for respondent No.9.

CORAM : A.M. KHANWILKAR &
P.V. HARDAS, JJ.

Date of reserving the
Judgment : December 15, 2003.

Date of pronouncing the
Judgment : December 17, 2003.

J U D G M E N T : (Per KHANWILKAR, J).

All the three petitions can be disposed of by this common Judgment. The challenge in these petitions is essentially to the admission process in respect of Post Graduate Course (M.Sc. Microbiology) for Academic year 2003-2004. The eligibility criteria for admission to the said Course is specified in Clause 2.1 of the Post Graduate Studies and Research Programs Hand Book 2003-2004 issued by the University. (hereinafter, referred to as the "Hand Book"). The handbook deals with, inter alia, the Rules and Regulations for admission to the Post Graduate Courses conducted by the Goa University (hereinafter, referred to as "the University"). It is not in dispute that the petitioner in the respective petition, as well as the private respondents were eligible for admission to Post Graduate Course, M.Sc. Microbiology. Each of them had appeared for the Entrance Test held by the University on June 20, 2003, results whereof were declared on June 26, 2003 and the Merit List of candidates for admission to M.Sc. (I) Microbiology (2003) approved by the Departmental Council of Microbiology, was displayed. The purported basis on which merit list has to be drawn, is spelt out from Clause 2.5 of the Hand Book, the same read thus :

"2.5 ENTRANCE TEST AND MERIT LIST

All admissions will be done strictly on the basis of merit. For this purpose separate merit lists based on the aggregate marks at the qualifying examination of Goa University will be prepared in respect of (i) general candidates including SC. ST and OBC candidates respectively, (ii) SC.ST and OBC candidates respectively who do not get admission on the basis of the merit list of general category candidates. The candidates passing the qualifying examination with one major subject for which admission is sought will be placed above the candidates passing the qualifying examination with two major subjects in the merit list subject, however, on the condition that the candidates securing first class, and those securing second class will be placed above the candidates securing pass class. The eligibility criteria laid down hereinafter will be strictly adhered to for admission.

Candidates passing the qualifying examination in more than one attempt will be deemed eligible for admission, but for the purpose of equating their performance with that of the candidates passing the examination at the first attempt, the percentage of aggregate marks obtained by them shall be deemed to be less by 3 % for every subsequent attempt than the actual percentage of marks obtained by them at the aggregate in the qualifying examination.

A merit list based on the aggregate marks will be prepared and displayed on the notice board of the respective departments in respect of applications received upto the prescribed closing date i.e. 18th June, 2002. Seats will be allotted strictly on the basis of this merit list. There will also be entrance tests for candidates seeking admission for MA (Int. Studies) which they have to qualify for getting admitted.

Students seeking admission in courses of faculties of Life sciences and environment, Natural sciences and Commerce will have to qualify for admission through an entrance

test. Also, candidates from outside Goa University seeking admission to a PG Course in any Faculty have to appear for an entrance Examination and quality for admission. The test will be of one and half hours duration and will be based on the syllabus of Graduation level. The test shall be of 100 marks and can have a paper of entirely objective type questions. A merit list shall be prepared based on the aggregate marks obtained at TY examination (50 % weightage) and the entrance test (50 % weightage). The test would be conducted by the respective departments. A fee of Rs.250/- will be charged per student for appearance at each entrance test."

The merit list (hereinafter referred to as the notified merit list) displayed on the Notice Board of the concerned Department of the University was as follows :

	A	B	C	D	E	F	G	H
Sr. No.	Seat No.	Name.	Aggre-gate %	ET %	Ave-rage	U	Misc. %	C
1.	25	De Souza Trelita	78.00	61.00	69.50	6	76.666	D
2.	17	De Souza Christina	70.71	55.00	62.86	6	68.333	D
3.	49	Gaitonde Sapna S.	76.57	49.00	62.79	6	75.166	D
4.	20	Shetgaonkar Rupali S.	70.43	52.00	61.22	6	68.833	D
5.	47	Subhaji Meghraj	66.86	52.00	59.43	6	65.166	F
6.	08	Fernandes Rohan S.	71.29	47.00	59.15	6	68.50	D
7.	11	Coutinho Einencio J.	74.86	49.00	57.43	6	73.166	D
8.	32	Bodke Pranali M.	60.86	49.00	54.93	6	57.333	F
9.	37	Deshprabhu Poonam J.	66.43	43.00	54.72	6	63.666	F
10.	06	Braganza Ramsey	65.14	44.00	54.57	6	62.166	F
11.	39	Sardesai Jayshree	68.57	40.00	54.29	6	66.833	F
12.	30	Shirodkar Swetha	60.14	46.00	53.07	6	56.50	F
13.	31	Correia Shirley M.	65.43	40.00	52.72	6	62.333	F
14.	36	Parab Kavita C.	70.00	35.00	52.50	6	68.166	D
15.	51	Rodrigues Branda F.	63.71	40.00	51.86	6	60.333	F

16.	50	Mascarenhas Verity P.	61.14	41.00	51.07	6	58.5	F
17.	07	Andrade Cassius A.	60.00	42.00	51.00	6	55.833	F
18.	48	Jose Teresa	63.14	38.00	50.57	6	59.666	F
19.	46	Samuel Anitha	62.86	38.00	50.43	6	59.833	F
20.	10	Chodankar Sarita S.	61.86	36.00	48.93	6	57.666	F
21.	24	Beig Umme Amara	67.71	30.00	48.86	6	65.333	F
22.	01	Desai Mayura Madhav	71.57	47.00	59.29	3	68.33	F
23.	42	Desai Vilas Shivaji.	66.86	50.00	58.43	3	69.333	F
24.	21	Naik Sharvaree P.	72.00	44.00	58.00	3	72.666	D
25.	15	Raiker Rajlaxmi D.	72.43	39.00	55.72	3	70.00	D
26.	14	Sawant Punam A.	68.71	41.00	54.86	3	67.333	F
27.	12	Jadhav Sangeeta S.	65.71	43.00	54.36	3	65.00	F
28.	34	Naik Deepa S.	74.43	31.00	52.72	3	72.666	D
29.	57	Patil Pradnya	65.43	37.00	51.22	3	62.666	F
30.	33	Chodnekar Gandhali A.	70.00	32.00	51.00	3	69.666	D
31.	40	Kamat Sanjyot G.	65.86	35.00	50.43	3	60.666	F
32.	45	Deshprabhu Kirti S.	67.71	33.00	50.36	3	68.333	F
33.	02	P.Suja Jayan	71.71	28.00	49.86	3	68.33	D
35.	03	Metri Madhuri Mohan	67.43	30.00	48.72	3	60.66	F
36.	16	Mulvi Praiya G.	64.71	30.00	47.36	3	62.00	F
37.	09	Silveira Bozena A.	61.29	33.00	47.15	3	61.333	F
38.	35	Gawas Samir	62.29	30.00	46.15	3	59.333	F
39.	43	Verlekar Rupali R.	57.14	41.00	49.07	6	53.50	S
40.	62	Naruenkar Kalakar	54.14	40.00	47.07	6	50.5	S
41.	44	Naik Yogita	57.86	36.00	46.93	6	54.666	S
42.	18	Nizari Asmita M.	58.86	38.00	48.43	3	53.00	S
43.	19	Borkar Shruti V.	57.00	39.00	48.00	3	57.333	S
44.	41	Nikhil Kirti Z.	55.71	35.00	45.36	3	51.333	S
45.	04	Ramadevi Ramaswamy	55.71	34.00	44.86	3	52.333	S
46.	23	Shetkar Sulaksha M.	55.86	33.00	44.43	3	53.00	S
47.	38	Shetgaonkar Bhakti D.	57.14	30.00	43.57	3	53.666	S
48.	60	Haldankar Nilesh S.	55.29	29.00	42.15	3	43.00	S

On the basis of this list, admission to the General Category was completed by July 10, 2003, which was the last date for admission. Although, originally only nine seats were earmarked for General Category Candidates, however, two seats from the Reserved Category were added as no candidate from Reserved Category was available. Accordingly, first eleven students in order of Merit List referred to above, came to be admitted. This process was challenged by the Petitioner in

Writ Pet. No.366/2003 before this Court on 28.7.2003. The substance of the grievance made in this petition was that the basis on which the merit list has been prepared and displayed by the University was inappropriate as it was not in conformity with the requirements of Clause 2.5 reproduced above. According to this petitioner, although she had secured aggregate 72 % marks at the qualifying examination and average 58 % marks, she was wrongly placed at serial No.24 instead of serial No.9, in order of merit in terms of Clause 2.5 referred to above. This Writ Petition came up for admission on 29/7/2003, but was adjourned to the next date. In view of the arguments canvassed, and perhaps realising the mistake in preparation of the Merit List, on the next date of hearing i.e. 30.7.2003, statement was made on behalf of the University before the Court that the said petitioner has been granted admission. In the light of that statement, the said petition came to be disposed of, without examining the questions raised therein. Consequent thereto, the said Writ Petitioner (In Writ Petition No. 366/2003) was admitted to M.Sc. Microbiology Course on 31.7.2003 and she started attending her classes.

2. It is relevant to mention that the University instead of admitting only the petitioner in W.P. No.366/2003 who was at sr. No.24 of the Merit List, took a conscious decision at the highest level upto the Vice-Chancellor (as

was noticed from the office record produced before us), to create three supernumerary seats for the said Course (M.Sc. Microbiology) only for the present academic year, as a special case. Out of those seats, the petitioner in Writ Petition No.366/2003 was given admission against one seat and other two seats were offered to the students at Sr. Nos. 22 and 23 of the notified Merit List.

3. In view of this development, student at sr. No.15 in the notified merit list approached this Court by way of writ petition No.415 of 2003. The main grievance in this petition is that the Writ Petitioner was at Sr. No.15 of the notified Merit List, whereas, the University created three supernumerary seats for the said course and admitted students who were at lower rank at sr. No.22, 23 and 24 respectively against those seats. According to the petitioner, this was done in clandestine manner without issuing any notification or clarification or giving option to the students who were higher in order of merit than the students at sr. Nos.22, 23, and 24 in the notified merit list. This writ petition was resisted by the University. The justification offered by the University was that, having realised the mistake, the University thought it appropriate to not only accommodate petitioner in W.P. No.366/2003 but also two other students who deserved admission on the same analogy, but were left out due to the faulty merit list prepared and displayed by the

Department. The petitioner in W.P. No.415/2003, challenged the admission granted to students at sr. Nos.22, 23 and 24 respectively in the notified merit list. During the course of hearing of the said writ petition on October 8, 2003, it however, transpired that out of the three supernumerary seats created and offered to students at sr. Nos. 22, 23 and 24 respectively, only two had joined the course and one seat was still lying vacant for more than three months as student at sr. No.22 did not avail the offer for admission. This Court in the peculiar circumstances, instead of examining the wider issues raised in the writ petition, directed the University to allocate the vacant seat to the Writ Petitioner in W.P.415/2003 for academic year 2003-2004. Even while disposing of this writ petition, this Court did not go into the correctness of the stand taken by the University about the interpretation now given by the University to the relevant clause 2.5, after having already prepared the merit list. In terms of the above order, the student at sr. No.15 of the notified merit list also secured admission.

4. The matter did not end at that. Inasmuch as, third petition came to be filed by student at sr. No.13 of the notified Merit List displayed by the University, referred to above. Serious grievance has been made in this petition that, if at all, she was entitled for being admitted to the vacant seat in place of student at sr. No.15 or for that

matter at sr. Nos.22, 23 and 24. It was contended that students lower in merit have been preferred ignoring her legitimate claim, as she was at Sr. No.13. In this petition, it is contended that it was not open to the University to change the order of merit, once it was so displayed. Moreover, if the University chose to create three supernumerary seats, admission to those seats should have been made strictly on the basis of merit list already notified. Moreover, the justification now putforth by the University was untenable. The University resisted this writ petition by filing detailed affidavit. Besides, it also chose to file two separate review petitions, praying for recall of the decisions already given by this Court in W.P. Nos. 366/03 and 415/2003 respectively. Those review petitions, having regard to the nature of controversy involved were allowed by this Court vide order dated December 1, 2003. Even though this Court recalled the order already passed in the earlier two petitions, made it clear that the admissions already granted by the University shall remain undisturbed but will be subject to the outcome of all the three writ petitions before this Court. In other words, earlier two writ petitions were restored and were directed to be heard along with the third writ petition filed by student at Sr. No.13 in the notified merit list.

5. Accordingly, all the three writ petitions are now

being heard together. When the matters were called out for hearing on December 9, 2003 Mr. Sonak appearing for Writ Petitioner in W.P. 366/2003 informed us that the said petitioner was not interested to pursue her petition as well as the course to which she was already admitted in July, 2003 because of the humiliation suffered by her at the hands of the teaching staff and her classmates after she was given admission. Letter addressed by the said Petitioner to Mr. Sonak, although it is privileged communication, was placed before us which broadly mentions the compelling circumstances under which she has taken such a drastic decision. The said letter reads thus :

> "From
> Sharvaree P. Naik
> Shantinagar
> Ponda Goa
>
> To
> Advocate Mahesh Sonak
> Panaji Goa.
>
> Sub:- Admission for M.Sc. Microbiology Course-Goa University.
>
> Dear Sir,
>
> I the undersigned Miss Sharvaree P. Naik wish to thank you whole heatedly for the efforts put by you and your staff for making my admission possible for M.Sc. Microbiology Course for the year 2003.
>
> Sir, I was given admission on 30th July 2003 and I joined the regular classes from 31st July 2003. Since then I was going under humiliation from few of our teaching staff and also from my classmates almost everyday and it was still going on and I tried my level best to sustain this in the hope that circumstances will change with the time.

> But when Miss Branda Rodrigues' petition was admitted in the high court and she was allotted the third seat; the circumstances were made still more difficult for me.
>
> During all these days I never told about all this to my parents. Atlast when I narrated all this to my parents and elders. They jointly took a decision not to continue with the course which I agreed too. Sir, from 4th November I have stopped attending the classes. Sir presently I have joined nearby Pre-Primary School as a teacher.
>
> Sir, I am very sorry that I could not convey all this thing to you before taking above decision.
>
> I once again thank you for the help granted to me.
>
> Thanking you
>
> Yours faithfully,
> Sd/-
> (Sharvaree P. Naik)
>
> Date :- 3.12.2003."

On perusing the said letter, we requested Mr. Sonak to ask the Writ Petitioner to remain present in Court at 2.30 p.m. so as to seek further details from her. Besides we requested the learned Advocate General to examine the matter and make his submissions in that behalf. At 2.30 p.m. when the matter was called out after the lunch break, Mr. Sonak informed us that the petitioner could not be contacted because she had gone to attend some function, but he assured that on the next day, the presence of petitioner will be secured. On the other hand, learned Advocate General having examined the matter, and in view of the disturbing state of affairs brought to our notice, reported the same to the Governor and Chancellor who, in turn, directed the Vice-Chancellor of University to inquire into the matter and

submit report to him. We requested the Advocate General to cause to informally record the statement of the Writ Petitioner in W.P. 366/2003. Pursuant to our oral direction, statement of the said Writ Petitioner has been recorded by Police Inspector CID/CB, on the same evening of 9th December, 2003. The matter was taken on 10th of December, for further hearing when the Learned Advocate General produced copy of the said statement of the petitioner Ms. S. P. Naik as recorded on 9.12.2003. We will not elaborate on the contents of this statement. Suffice it to mention that graphic description has been given as to how the said petitioner has allegedly been victimized by the teaching staff and other students. Having regard to the seriousness of the matter we thought it appropriate that the Vice-Chancellor of the University to personally look into the matter and offer solution to salvage the situation. We also requested Mrs. Agni, learned Counsel for University to inform the persons named in the statement so recorded, to remain present in Court. Accordingly, the Vice-Chancellor of the University as well as some of the named persons appeared before us on 12.12.2003. On that day, the Vice-Chancellor expressed his concern about the unfortunate developments taking place and assured that whatever was necessary as per law will be done. He informed us that the apex body of the University would meet and discuss the matter. The persons who were named in the statement also appeared before us.

They were told that the allegations made against them were quite serious and to obviate any precipitative action, they should not only observe restraint, but also ensure that such things were not repeated in future so as to victimise the students who had justly succeeded before the Court of law and have secured admission belatedly. Hearing of the matter was deferred till 15th of December, as we were informed that the proposed meeting of the Executive Council was already convened.

6. Accordingly, the matter was taken up on 15th December, at 2.30 p.m. Learned Counsel for the University placed before us contents of the resolution passed by the Apex Body of appointing Dr. U.G. Nachinolkar, Ex-Dean, Faculty of Medicine and Ex-Member of Executive Council to inquire into all aspects of the alleged harassment of Ms. S. Naik, a student of Microbiology of the Faculty Members of the department as made in her statement and to submit findings in that behalf to Goa University within three weeks. Mrs. Agni also placed before us the manner in which the present crisis relating to admission to the said Course arisen out of the faulty merit list prepared by the Department can be resolved. According to her, the left out students at sr. Nos. 26 and 28 were interested in getting admission, whereas, students at sr. Nos.22, 25, 27 and 12 were not interested in taking admission and no information could be obtained in respect of

student at sr. No.14. This submission was made on instructions of the University Official present in Court who in turn had personally ascertained the willingness of the concerned students. She submitted that all interested students above student at sr. No.15, who has already secured admission pursuant to order passed by this Court in W.P.415/2003, can be accommodated in the next academic year to the said course by creating supernumerary seats as a special case. She submitted that the other option available was to allow the said interested students who were above student at sr. No.15 (Petitioner in W.P.No.415/2003) of the notified merit list to take admission in the present academic year and to keep second term, but they will have to complete the first semester by fulfilling all other requirements of the extant rules. This proposal has been given without prejudice to the contentions of the University that Mid-Term admission cannot be permitted as that would affect the academic standards of the concerned students and also create additional burden on the teaching staff.

7. Having considered the rival submissions, the first question we propose to examine is, whether assuming that the University had displayed a faulty merit list (notified merit list) as is now canvassed before us by the University, could such a merit list be challenged at the instance of the University ? Indeed, the said merit list has been challenged

in W.P. 366/2003, nevertheless, in our view, the University cannot be heard to say that the merit list as displayed on June 26, 2003 by the Department cannot be the basis for admission so as to resist the claim of students at sr. Nos. 13 and 15 in particular. It is well settled that State (read University) cannot challenge the validity of its own order (notified merit list). Such a plea would be hit by the general principles of estoppel (see, State of Asam v/s. Raghava Rajgopalchari, 1972 SLR 44 (para 13) & Commr. of Commercial Taxes (Asstt.) v/s. Dharmendra Trading Co., 1988 (3) SCC 570 (para 5). Understood thus, we cannot permit the University to take a plea that the merit list prepared by its Department on 26.6.2003 was invalid or that admission already granted on the basis of that merit list, was illegal. A priori, the University would be bound by its merit list dated 26.6.2003. The position that emerges is that admissions were granted to first eleven students against the available seats. Three supernumerary seats were created, but the said seats were allocated to students at sr. Nos.22, 23, and 24 bypassing the students at sr. Nos. 12 to 21 of the notified merit list. It is in that backdrop, the second petition came to be filed before us by student at sr. No.15 and third petition by student at sr. No.13. Ordinarily, there can be no difficulty in straight away accepting the claim of students at sr. Nos. 12, 13, and 14 that they had first claim over the said supernumerary seats created by the

University on the basis of the notified merit list. In that sense, petitions filed by students at sr. Nos. 13 and 15 should succeed.

8. We shall now deal with the grievance made by the petitioner in Writ Petition No.366/2003. Undisputedly, this petitioner has secured 72 % aggregate marks and 58 % average marks. For the reasons we have recorded hereinafter, this petitioner ought to be placed at sr. No.9 in order of merit instead of sr. No.24 as shown in the notified merit list. Understood thus, even this petitioner should succeed. It is argued that the notified merit list is not in conformity with the Clause 2.5 of the Hand Book as reproduced above. It is seen that this clause is more or less replica of provision contained in the Ordinance issued by the University in exercise of statutory authority vested in the University in that behalf. That provision is OB-11 which relates to the policy of admission to the University Teaching Departments. Clause OB-11.3 provides for merit lists; and the manner of preparation of the merit list, is provided in OB-11.3.1. The same reads as under :

> "OB-11.3.1 (i) All admissions shall be done strictly on the basis of merit. For this purpose separate merit lists based on the aggregate marks at the qualifying examination will be prepared in respect of (i) general candidates including SC/ST candidate; (ii) SC candidates alone who do not get admission on the basis of the merit lists of general category candidates; and (iii) candidates

> from other Universities. The candidates passing the qualifying examination with one major subject for which admission is sought will be placed above the candidates passing the qualifying examination with two major subjects in the merit list subject however to the conditions that the candidates securing First Class shall be placed above the candidates securing Second Class, and those securing second class shall be placed above the candidates securing pass class. The eligibility clause laid down hereinafter under OB-11.6.1 (a) and OB-11.6.2 (a) will be strictly adhered to for admission.
>
> (ii) Candidates passing the qualifying examination in more than one attempt will be deemed eligible for admission, but for the purpose of equating their performance with that of candidatures passing out the examination at first attempt, the percentage of marks (aggregate) obtained by them shall be deemed to be less by 3 % for every subsequent attempt than the actual percentage of marks obtained by them at the qualifying examination.
>
> (ii) A merit list based on the aggregate marks will be prepared in respect of applications received up to the 15th working day after declaration of results of the qualifying examination of this University or up to the 20th June whichever is later. Seats will be allotted strictly on the basis of merit."

The plain language of this provision obligates the University to grant admission strictly on the basis of merit while processing the admission applications; And strictly in order of merit in terms of the merit list so notified by the University. This provision provides for the mechanism therefor. It mandates that separate merit list based on the aggregate marks at the qualifying examination be prepared in respect of specified category of candidates. We need not dwell upon this requirement as that is not the point in issue. However, this provision also postulates that the

candidates passing the qualifying examination with one major subject in which admission is sought will be placed above the candidates passing the qualifying examination with one major subject in which admission is sought will be placed above the candidates passing the qualifying examination with two major subjects in merit list subject however to the condition that the candidates securing First Class shall be placed above the candidates securing second class and the candidate securing the second class shall be placed above the candidate securing pass class. In other words, this is a provision providing for arranging the merit list in order of preference. Clause (ii) of OB-11.3.1 further provides that the candidates passing the qualifying examination in more than one attempt, for the purpose of equating their performance with that of candidates passing out the examination at first attempt, the percentage of marks (aggregate) obtained by them shall be deemed to be less by 3 % for every subsequent attempt than the actual percentage of marks obtained by them at the qualifying examination. We are called upon to examine the correctness of this condition. Interestingly, in addition to the above requirements provided in terms of Ordinance students seeking admission in courses of faculties of Life sciences and environment, Natural sciences and Commerce will have to qualify for admission through an entrance test; Also, candidates from outside Goa University seeking admission to a PG Course in any Faculty have to appear for an

entrance Examination and qualify for admission. It is also notified by this clause 2.5 that the entrance test will be of one and half hours duration and will be based on the syllabus of Graduation level. It shall be of 100 marks and can have a paper of entirely objective type questions. It also provides that a merit list shall be prepared based on the average marks obtained at TY examination (50 % weightage) and the entrance test (50 % weightage). There is no challenge to clause 2.5 of the Hand Book as such, in the present petition. However, as observed earlier, the Ordinance by itself makes no such provision for preparing the merit list based on the average marks obtained at TY examination and the entrance test. In that sense, the mechanism provided for in clause 2.5 of the Hand Book departs from the scheme provided in the relevant clause of the Ordinance. In our opinion, the later part of providing for reckoning average marks obtained by the candidate at TY Examination (50 % weightage) and the entrance test (50 % weightage) has been necessitated because of the new procedure evolved by the University while considering the applications. The decision of the University to conduct entrance test by itself cannot be questioned. However, while introducing the new procedure of entrance test for admission to the M.Sc. Microbiology Course or for that matter any other subject, corresponding provision has not been made in the Ordinance as issued by the University in exercise of the statutory power vested in the University. Be that as it may,

as per the present dispensation, after the entrance test results are available, those marks are added to the aggregate marks obtained by the candidate a the qualifying examination and average marks secured at both these examinations is made the basis for preparation of merit list. This approach of the University again by itself cannot be questioned because it recognises selection on the basis of merit. In our view, if the average marks were alone to be the basis for admission for preparation of merit list then there would have been no confusion and, the problem as is now faced could have been averted. However, while introducing this new procedure of entrance test, the old provision as referred to above having remained unaltered, it became imperative to reconcile both the modalities. Perhaps, it is on the basis of such an involved procedure for preparation of merit list or due to misreading of the existing provision of Clause 2.5 of the Hand Book, the Officials concerned while preparing and finalising the merit list have faltered. From the notified merit list, it is seen that the procedure which has been adopted is that the average marks obtained on the basis of the marks obtained at the qualifying examination and the entrance test is the basis, coupled with candidates in descending order-first those who have passed the qualifying examination with one major subject for which admission is sought and thereafter, the candidates who have passed the qualifying examination with two major subjects. We shall

immediately demonstrate the absurdity in following this procedure. To illustrate the point, it is seen that the candidate at sr. 21 of the notified merit list happens to be the candidate having passed the qualifying examination with one major subject for which admission is sought. He has secured average 48.86 % and, aggregate in the qualifying examination of 67.71 %. Whereas, the candidate at sr. No.22 is concerned, though he has secured higher average marks i.e. 59.29 % as also higher percentage of aggregate marks at the qualifying examination i.e. 71.57 % nevertheless, he is placed below the candidate at sr. No.21 because he had passed out the qualifying examination with two major subjects. This criteria is obviously inconsistent with the requirement for granting admission strictly on the basis of merit, as is the requirement of the Ordinance. We are not multiplying the illustration to demonstrate the basic fallacy in the application or the preparation of the notified merit list as per clause 2.5 of the Hand Book as it prevails. On the other hand, it would have been a different matter if the University was to adopt the criteria of average marks acquired by the candidates at the qualifying examination and the entrance test in ratio 50:50 as the sole basis which has now been applied while submitting the proper list. The stark difference in the order of precedence can be seen as the entire list has gone topsy-turvy. Inasmuch as, the sequence of the candidate at sr. Nos.1 to 28 in the notified merit

list with whom we are concerned in these writ petitions, is now rearranged as –1, 2, 3, 4, 5, 22, 6, 23, 24 (WP.366/03), 7, 25, 8, 26, 9, 10, 27, 11, 12, 13 (WP.529/03), 28, 14 and 15 (W.P.415/03) respectively. In other words, the criterion of average marks alone was to be adopted, the candidate who is shown at sr. No. 22 in the notified merit list would actually secure sr. No.6; having secured average marks 59.29. Whereas, the candidate at sr. No.21 in the notified merit list would be placed at sr. No.34, instead of sr. No.21 as is mentioned in the notified merit list. In our view, if the University was to take the average marks secured by the candidate–of aggregate marks at the qualifying examination and the entrance test, as the sole criteria, that would have ensured compliance of mandate of admitting the merited students. On the other hand, the application of clause 2.5 has resulted in unjust and absurd situation, as is clear from the abovementioned illustration. Further, in a given case it is possible that a candidate who has secured lesser average marks as well as lesser marks in one major subject for which admission is sought would still get better placement, than the candidate who has secured higher average marks as well as higher aggregate marks at the qualifying examination and also higher marks in the major subject for which admission is sought, merely because the latter had passed the qualifying examination with two major subjects. That situation would squarely stare in the face of Article 14

of the Constitution of India. To resolve this disparity, much less confusion, the University may be well advised to adopt suitable alternate formula which would provide preparation and finalisation of the merit list. That is possible firstly on the basis of average marks secured by the respective candidates. In a given situation, it is possible that two candidates would secure equal average marks, in such a case the candidate passing qualifying examination with one major subject for which admission is sought can be given precedence above the other candidate passing qualifying examination with two major subjects. It is also possible that two candidates have secured equal average marks as well as both of them have passed the qualifying examination with one major subject for which admission is sought, in that case the candidate having secured higher marks in that subject be given preference. It is possible that two candidates have secured equal average marks, equal marks in one major subject for which admission is sought, in that case the candidate who has secured higher aggregate marks at the qualifying examination should get precedence. It is also possible that in a given case two candidates have secured equal average marks and have passed the qualifying examination with two subjects, in that case the candidate having secured higher marks in the subject for which admission is sought ought to get preference. In another situation, if two candidates have secured equal average marks and have passed the qualifying

examination with two subjects and secured equal marks in the subject for which admission is sought, in such a case the candidate securing higher aggregate marks in the qualifying examination ought to get precedence. There is one more situation of which we can contemplate namely, two candidates have secured equal average marks and have passed the qualifying examination with two subjects as well as have secured equal aggregate marks at the qualifying examination, in that case the candidate who has secured higher marks in the second subject ought to get precedence. If such a procedure was to be adopted by the University, possibly it could have stood the test being reasonable and in conformity with criteria of merits which is the quintessence for giving admissions to the Post Graduate Courses. As we have already observed that the language of clause 2.5 of the Hand Book or for that matter, OB-11.3.1 is quite involved and there is likelihood of committing mistake while preparing and finalising the merit list as well as creating confusion amongst the students a has presently happened; in our view, therefore, with a view to obviate such confusion in future, the University after applying itself to the above suggestions may frame fresh guidelines and also carry out corresponding amendments in the Ordinance OB 11.3.1, so as to be consistent with the proposed guidelines. We may only recommend that the guidelines so prepared or the Ordinance so amended should appear to be simple so as to be intelligible and can be

easily understood even by a layman. If the suggestions given herein above are acceptable, the University may articulate the guidelines in the following terms :

(a) that the merit list will be prepared strictly on the basis of average marks secured by the candidates at the qualifying examination and the entrance test in ratio 50:50;

(b) in case of two candidates securing equal average marks, the candidate passing qualifying examination with one major subject for which admission is sought will be placed above the candidate passing the qualifying examination with two major subjects;

(c) in case of two candidates securing equal average marks as well as both having passed one major subject for which admission is sought, candidate having higher marks in that subject be preferred;

(d) in case two candidates securing equal average marks, have passed one major subject for which admission is sought and have secured equal marks in that subject, the candidate having secured higher aggregate marks in the qualifying examination will get preference;

(e) in case of two candidates securing equal average marks and having passed the qualifying

examination with two subjects, candidate having secured higher marks in the subject for which admission is sought would get precedence;

(f) in case of two candidates securing equal average marks and having passed the qualifying examination with two subjects as well as having secured equal marks in the subject for which admission is sought, candidate having secured higher aggregate marks in the qualifying examination will get precedence;

(g) in case of two candidates securing equal average marks and having passed the qualifying examination with two subjects and having secured equal marks in the subject for which admission is sought as well as equal aggregate marks at the qualifying examintion, candidate having secured higher marks in second subject will get preference.

The above procedure if observed for the future admissions would perhaps offer solution to the problem faced by the University at present. Even if the methodology as suggested by us is different from the present dispensation, yet the basic principle of admitting the student strictly on the basis of comparative merit is substantially fulfilled. While adopting this scheme, the University can retain the other

requirement of Ordinance OB-11.3.1 and clause 2.5 of the Hand Book-(a) regarding preparing separate merit list of the specified categories; (b) regarding deduction of 3 % for each attempt from the aggregate marks in respect of candidates passing the qualifying examination in more than one attempt.

9. We may record that at one stage, we were, prima facie, of the opinion that the faulty merit list was notified so as to subserve the interest of some candidate who otherwise would not have got admission, in collusion with the officials of the University who were responsible for the preparation and finalisation of the notified merit list. We will not elaborate on this aspect but would expect the Vice-Chancellor of the University to cause to inquire into in this regard, as permissible by law. If that is a fact, it is also a serious matter because that was an attempt to affect the legitimate claim of merited student. Besides that would obviously be a serious misconduct which ought to be dealt with sternly. Assuming that it was not a deliberate attempt even so, the officials who are associated with the process of preparation and finalisation of the merit list are expected to discharge their role only on being properly informed about the correct legal position. Either those officials took the matter very casually or have prepared and finalised the list in ignorance of the relevant provision or perhaps incapable

of understanding the purport of the relevant provision. In either case, entrusting such a serious work to those officials would be inviting problems for the students and which damage cannot be repaired. Even in that case appropriate remedial and corrective measures ought to be taken after conducting necessary inquiry as may be permissible by rules. We are consciously not expressing the factors that impressed us to make the above observation because that would be prejudging the matter and may affect the inquiry in that behalf one way or the other.

10. In the present case, piquant situation has been created because of the decision taken by the University to offer the three supernumerary seats straight away to students at sr. Nos.22, 23 and 24 of the notified merit list. The justification given for this action is that they were wrongly placed at the position shown against their names in the notified merit list, instead they ought to have been placed at sr. Nos. 6, 8 and 9 respectively if clause 2.5 was to be correctly understood. The learned Counsel for the University has placed on record a proper merit list on the correct understanding of clause 2.5 and it also gives the corresponding position of the students. Be that as it may, the justification offered by the University clearly concedes the position that students at sr. No.8, 9, 10 and 11 in the notified merit list were not deserving admission, as they

ought to have been placed at sr. nos. 12, 14, 15 and 17 respectively in order of merit as per the proper list now submitted before us. In any case that argument could be considered at the instance of writ petitioner in W.P.366/2003 who was shown at sr. No.24 in the notified merit list, instead of correct position at sr. No.9. But the difficulty that arises is that if that petition was to succeed, then admissions already granted to students at sr. No.8, 9, 10 and 11 in the notified merit list will have to be set aside and that the said petitioner ought to be given admission against the concerned seat as per her merit. In this process, however, the students at sr. nos. 8, 9, 10 and 11 would suffer because of the faulty merit list prepared by the Department. In any case, the students at sr. No.8 and 9 in the notified merit list will suffer aggravated prejudice because they are at sr. Nos. 12 and 14 respectively in the proper merit list and would be entitled to secure admission at least against the three supernumerary seats created by the University. Be that as it may, the error committed by the Department has been taken note of by the Department right upto the level of the Vice-Chancellor as early as in July, 2003 itself. Instead of correcting the wrong and offering the seats to students at sr. Nos. 22, 23, 24 and 25 who were otherwise legitimately entitled for admission against the first eleven seats, the University decided to create three supernumerary posts to salvage the situation-while

doing so, however, no publication of such decision was made which was intended to remedy the wrong at the opportune time. It is mainly because of this lapse the second writ petition came to be filed before us by student at sr. No. 15 of the notified merit list. Interestingly, in this petition, only students at sr. nos.22, 23 and 24 were initially made parties. This Court allowed the said writ petition on the assumption that no other student, who was higher in merit in comparison to the Petitioner in W.P. 415/2003, was interested in taking admission. The third petition is filed before us by student at sr. No.13 in the notified merit list who, even otherwise, is higher in merit at sr. No.19 of the proper list and submitted to us applying the correct principle. If the university had given due publicity regarding the change of its policy in granting admission, perhaps the present situation could have been averted. In that sense, writ petitioner in writ petition No.529/2003 ought to succeed because she is at sr. No.13 in the notified merit list and even otherwise, higher in rank to student at sr. No.15 (W.P. No. 415/2003) who is at sr. No.22 of the proper list and has secured admission, in terms of the Court order though.

11. In such odd situation, this Court undoubtedly has plenary powers and is not only empowered to remedy the mischief, but has bounden duty to do so. The Apex Court in

the decision in the case of Gurbax Singh s/o. Chanda Singh v/s. Financial Commissioner and another, reported in 1991 Supp. (1) SCC 167 has observed that in such odd situations the Court ought to mould the relief in such a manner that substantial justice is done to all concerned. It will be apposite to advert to the dictum in paras 22 and 23 of that decision, which reads thus:

> "22. Thus, we have a peculiar position in this case. While Mr. Dhavan is right in saying that the appellant, as a bona fide purchaser of the land for value at public auction, should be put in the same position in which he would have been had his auction purchase as evidenced by the sale certificate been effective from the date of purchase, Mr. Bhagat appears to be justified in saying that it would not be just and proper to deprive the second respondent who was inducted by Budha Singh as a sub-lease and who has continued in possession of the land till date, of the fruits of his protracted litigation culminating in allotment of the land to him. The difficulty in the present case has arisen because the State confirmed the sale in favour of the appellant in 1969 and issued a sale certificate to him in 1973 without waiting for the final outcome of the second respondent's revision application to the Chief Settlement Commissioner and further proceedings consequent thereon. The odd situation, creating requisites in favour of both the parties, that has thus resulted in the present case is due to no fault of the appellant or the second respondent. It could have been avoided if the State had held over the auction until the second respondent's application had been finally disposed of or had held the auction subject to the result of the application. It is true that the second respondent could have taken steps to challenge the auction in favour of the appellant but, perhaps misguidedly, he was concentrating on getting an allotment under Rule 34-C for which he cannot be wholly blamed. Whatever that may be, the final position is that both the parts

have had to suffer and indulge in lengthy litigation.

23. Under the above circumstances we feel that while this Court is to administer justice according to law there may be scope for doing justice and equity between the parties. In such a situation we remember what the Institutes of Justinian, De Justitia Et. Jure, in 'Liber Primus' Tit. I said "Justitia est constans et perpetua voluntas jus suum cuique tribuendi". Justice is the constant and perpetual wish to render everyone his due. "Jurisprudential est divinarum atque humanarum rerum notitia, justi atque injusti scientia." Jurisprudence is the knowledge of the things divine and human; the science of the just and unjust. The divine is that which right reason commends. The human is also in the contents of the law. As Max Rumelin said, in the Struggle to Govern Law, "Justice is rivaled by equity." The dilemma that equity is to be better than justice and yet not quite opposed to justice, but rather a kind of justice has troubled us. Gustav Radbruch clarifies the namely, commutative and distributive. We may call "just" either the application or observance of law, or that law itself. "The former kind of justice, especially the justice of the Judge true to the law," according to him, "might better be called righteousness." Here "we are concerned not with justice which is measured by positive law, but rather with that by which positive law is measured." Justice in this sense means equality. Aristotle's doctrine of justice of equality is called by him commutative justice which requires at least two persons while distributive justice requires at least three. Relative equality in treating different persons while granting relief according to need, or reward and punishment according to merit and guilt is the essence of distributive justice. While in commutative justice the two persons confront each other as co-equals, three or more persons are necessary in distributive justice in which one, who imposes burdens upon or grants advantages to the others, is superior to them. "Therefore, it presupposes an act of distributive justice which has granted to those concerned, equality of rights, equal capacity to act, equal status." According to Radbruch, "distributive justice is the prototype of justice. In it we have found the idea of justice, toward which the concept of law must be

> oriented." Law offers and protects the conditions necessary for the life of man and his perfection. In the words of Cardozo, "What we are seeking is not merely he justice that one receives when his rights and status are determined by the law as it is; what we are seeking is a justice to which law in its making should conform." The sense of justice will be stable when it is firmly guided by the "pragma" of objective and subjective interests." (emphasis supplied)

12. It is in this backdrop we shall now examine as to the nature of relief that can be given in the present set of circumstances, so as to do substantial justice to all concerned and which is consistent with the offer made by the University before us. The students at sr. No. 26, 13, 28 and 14 of the notified merit list who are higher in rank in comparison to student at sr. No.15 (W.P.415/2003) who has already secured admission, would deserve admission to the said Course. All these persons have expressed their willingness to take admission and have assured before this Court that even if they take admission in the present year and commence from the stage of Second Semester they would comply with all the requirements of the rules and regulations, to successfully complete the first semester in due course of time. To this submission, the Counsel for University argued that the Course being Post Graduate Course, requires certain standards to be observed and for successful completion of the course the students have not only to acquire proficiency in theory, but also successfully complete practical training. According to the learned Counsel for the University, if that is the requirement of the Course, this

Court ought not to direct the University to admit he said students for the present academic year and that course was not permissible either. To buttress this argument reliance was placed on the decisions of the apex Court in Nageshwaramma vs. State of Andhra Pradesh, A.I.R. 1986 SC 1188, Dr. Subodh Natiyal vs. State of U.P. & ors., 1993 Supp. (1) SCC 593, State of Uttar Pradesh & ors. vs. Dr. Anupam & ors.,1993 Supp. (1) SCC 594, and Medical Council of India vs. Madhu Singh & ors., (2002) 7 SCC 258. Learned Counsel for the petitioners, on the other hand, contend that last three decisions essentially pertain to Medical Course. Besides, there is no inhibition in the relevant regulations governing the present course, which would disallow giving direction to grant admission to the M.Sc. Microbiology Course. On the other hand, there have been cases where the students though secured admission to the first semester, at the beginning of the academic year, but they have neither attended the lectures, nor appeared for the examination of the first semester and yet were allowed to keep terms for the second semester. Such students are later on permitted to complete the first semester. And such a course is permissible under the present regulations itself. Even with regard to the present academic year, case of one of the students was brought to our notice, who according to the Petitioners, has not appeared single class of the first semester, nor appeared for the first semester examination,

but has been allowed to keep term for the second semester. In addition, reliance has been placed on the decision of the Apex Court in Vaibhav Verma & ors. vs. State of H.P. & ors., (2001)10 SCC 651 (para 10) to contend that even in respect of medical course, the Apex Court directed admission of the student to academic year which had already commenced in 1999 i.e. two years later. We find substance in the argument canvassed on behalf of the petitioners. As it is not seriously disputed that the Rules would permit the student to first complete the second semester, and then take up the first semester, we find no reason as to why that course should not be adopted in respect of the left out students at sr. nos. 26, 13, 28 and 14 of the notified merit list who are not only interested to take admission but willing to fulfil the necessary requirements as per the rules. If such relief is granted, that would ex debito justitiae do substantial justice to the parties. Inasmuch as, we will not be required to set aside the wrong admissions already granted, but also not deprive the left out students may take admission in the next academic year, in our view, would result in affecting one complete academic year of such students, which loss cannot be undone or repaired. Moreover, as the students would later on complete the first semester, the argument that they will fall short of any standard also cannot be countenanced. In such peculiar situation of the present case, we would prefer to permit the left out students

at Sr. Nos. 26, 13, 28 and 14 of the notified merit list to join the present academic year (2003-2004) and to keep terms for the second semester on condition that they would fulfil the necessary requirements for successfully completing the first semester at a later point of time or as may be permissible by the rules.

13. That takes us to the distressing situation brought to our notice by the petitioner in W.P.366/2003. She is shown at sr. No.24 in the notified merit list. She filed this writ petition and succeeded in getting admission as back as in July, 2003. Since she secured admission having approached this Court, it is her case, that she has been victimized by the teaching staff and other students. With regard to this development, the University has already constituted one Man Committee to examine all aspects of alleged harassment of the said petitioner. We have been assured by the Vice-Chancellor that necessary action will be taken as may be permissible by law and that matter will be taken to its logical end. We hope and trust that a fair inquiry into the said matter is made and appropriate decision taken. Besides the named persons have appeared before us. No doubt they have denied the allegations made against them, but at the same time they have shown grace in assuring the Court that if any such incident has taken place or would take place in future, they shall take initiative in ensuring that

none of the students admitted pursuant to the Court orders are victimized in any manner whatsoever. We accept the assurance so given to us by the said persons and we hope and trust that they would abide by the assurance in its letter and spirit. We also hope that in the event any untoward incident is brought to the notice of the Head of the Department or the Vice-Chancellor as the case may be, by any aggrieved student, that shall be examined with utmost dispatch and corrective measures be adopted. We are, therefore, not inclined to precipitate the matter by issuing any formal notice to the persons named in the statement of the writ petitioner in W.P.366/2003 so recorded, because we are conscious of the fact that those persons are associated with academic institution and wedded to its cause. They are indeed discharging yeoman service for the building of a holistic society.

14. While parting we make it clear that we are not going into the correctness of the allegations made by Miss S. P. Naik, petitioner in W.P.366/2003, as that aspect will have to be thoroughly inquired into by the One Man Committee constituted for that purpose. In other words, we may not be understood to have expressed any opinion one way or the other in regard to that controversy in the present Judgment.

15. We may also record word of appreciation for the

Counsel appearing for the parties for their able assistance and in particular for the Advocate General for having rendered valuable assistance in this case.

16. For the aforesaid reasons, we proceed to dispose of all these petitions, by directing the University to continue the admissions already granted to each of the petitioners before us and in addition also grant admission to the students at sr. Nos. 26, 13, 28 and 14 in the notified merit list, to the said Course (M.Sc. Microbiology) for the present academic year 2003-2004 and allow them to take up second semester which is to commence in January, 2004 on condition that each of them will fulfil the necessary requirement of successfully completing the first semester at later point of time, as permissible by the Rules. We further direct the University to issue fresh guidelines regarding preparation of merit list for the future admissions as per the observations made in paragraph (8) of this Judgment. We also direct the Vice-Chancellor to inquire into the possibility as to whether the notified merit list was the outcome of genuine mistake, misunderstanding or misreading of the relevant provision by the officials connected with the preparation and finalisation of that list or whether it was deliberate attempt to subserve the interest of any student in collusion with the officials of the University. In either case to take appropriate corrective s well as remedial

measures against the concerned officials as well as the student (s) as per law, forthwith.

17. No order as to costs.

A.M. KHANWILKAR, J.

P.V. HARDAS, J.

ssm.